

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

ANDRE DANIELS, #2387599

§

CIVIL ACTION NO. 4:23cv6

VS.

§

PARIS POLICE DEPARTMENT, ET AL.

§

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge in this action (the “Report”) (Dkt. #23), this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On January 23, 2024, the Magistrate Judge entered the Report (Dkt. #23), containing proposed findings of fact and recommendations that Defendants Brent Middleton (“Officer Middleton”) and Cody Logsdon’s (“Officer Logsdon”) Motion to Dismiss (Dkt. #14) and Defendant Tyler Anderson’s (“Officer Anderson”) Motion to Dismiss (Dkt. #19)¹ be denied and that Plaintiff’s excessive force claim against Officer Middleton and Plaintiff’s bystander liability/failure to protect claims against Officer Logsdon and Officer Anderson be allowed to proceed. No objections having been timely filed, the Court concludes that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the Court.

It is therefore **ORDERED** that Defendants Brent Middleton and Cody Logsdon’s Motion to Dismiss (Dkt. #14) and Defendant Tyler Anderson’s Motion to Dismiss (Dkt. #19) are **DENIED**. Plaintiff may proceed at this juncture with his excessive force claim against Officer

¹ Section IV of the Report and Recommendation inadvertently included an incorrect docket number when referring to the Motions to Dismiss. Specifically, it included Dkt. #15 instead of Dkt. #19.

Middleton and his bystander liability/failure to protect claims against Officer Logsdon and Officer Anderson.

IT IS SO ORDERED.

SIGNED this 1st day of March, 2024.



Amos L. Mazzant
AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE